

## **A Second Bill of Rights**

1. The Right to Fair Elections: The United States Government has the authority to pass legislation that places reasonable limits on the amount of individual, union, and corporate contributions to candidates for public office and on the volume and timing of related issue advertisements.
  
2. The Right to Be Protected against Gun Violence: The United States Government has the authority to pass legislation that places reasonable limits and regulations on the sale and use of firearms and other dangerous weapons.
  
3. The Right to Vote: The right of every citizen to vote shall not be impeded by arbitrary identification requirements or by the failure of public officials to provide adequate voting equipment; a timely re-vote is required in any election district characterized by a meaningful violation of these conditions; voting for national office shall be held on the first Saturday in November, although opportunities for early voting are permissible; all adult citizens of the United States, including those who live in Washington, D.C., and U.S. territories, have the right to vote in Presidential elections.
  
4. The Right to Have One's Vote Count: The boundaries for each congressional district for the U.S. House of Representatives shall be drawn by an independent, bipartisan commission in each state based on the objective of equalizing the relationship between votes and seats for the major political parties;<sup>1</sup> the clauses in Article II, Section 1 of the Constitution referring to the Electoral College shall be replaced with "The Person having the greatest Number of Votes from all U.S. citizens who are eligible to vote shall be the President."
  
5. The Right to Run for President: Any person who has been a citizen of the United States for at least 35 years is eligible to run for the office of President of the United States and to serve if elected; the same rule applies to the office of Vice President.

6. The Right to Avoid Cruel and Unusual Punishment: Neither the United States nor any jurisdiction within it may impose the death penalty for any crime or charge as an adult any person younger than age 17.
7. The Right to a Responsive Supreme Court: No justice of the U.S. Supreme Court may serve for more than 30 years; confirmation of a Presidential nominee to the Supreme Court shall require an affirmative vote from 55 members of the U.S. Senate; each nominee to the Supreme Court must receive a hearing and a vote in the Senate within three months of the nomination date, unless the nomination is made with less than three months left in the nominating President's term; failure to hold this required vote shall be equivalent to Senate confirmation of the nomination.
8. The Right to be Valued above Corporations: From a legal point of view, corporations are not people; the rights and responsibilities of corporations and other forms of business must be specified in legislation, not inferred from Constitutional provisions that apply to citizens.
9. The Right to Fair Representation:<sup>2</sup> The House of Representatives shall consist of 437 voting members; the District of Columbia is entitled to one voting member in the U.S. House of Representatives; the territories of the United States are collectively entitled to one voting member in the U.S. House of Representatives.
10. The Right to Be Protected against Indirect Discrimination: It shall be unlawful for individuals or businesses to take actions using indirect means that would violate civil rights laws if undertaken directly; in this context, an indirect action is an action that has a disparate impact on a legally protected group with no business justification.

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## Notes

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<sup>1</sup> See, for example, the proposal in Stephanopoulos, Nicholas O; McGhee, Eric M., “Partisan Gerrymandering and the Efficiency Gap,” *The University of Chicago Law Review* 82.2 (Spring 2015): 831-900.

<sup>2</sup> Another example of unfair representation is the constitutional provision calling for two senators per state, regardless of state population. This unfairness is unlikely to be eliminated because article V of the Constitution concludes with the provision “that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.” The required three-quarters of the states are unlikely to give the required consent.